

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

Dianne Michele Carter,

Plaintiff

v.

Thomas Pellicane, SOUSM, U.S. Marshals  
Service W/NC; Barbara Yates, DUSM- U.S.  
Marshals Service W/NC; and Gregory Allyn  
Forest, U.S. Marshal,

Defendants.

C/A. No. 3:19-104-CMC-SVH

Order

This matter is before the court on Plaintiff Dianne Michele Carter's ("Carter") *pro se* Notice of Jurisdictional Challenge. ECF No. 23. Carter challenges the jurisdiction of Magistrate Judge Hodges over her case, which was filed in the Western District of North Carolina. She has attached a letter from Ms. Blume, the Clerk of Court in the District of South Carolina, which noted the case is not proceeding in the District of South Carolina but directed her to the header, which states "United States District Court for the North Carolina Western District." ECF No. 23-1.

Carter filed her Complaint in the Western District of North Carolina on March 4, 2019. ECF No. 1. On March 7, 2019, the undersigned was designated by Chief Judge Gregory to sit with the United State District Court for the Western District of North Carolina pursuant to 28 U.S.C. § 294(c) in connection with this case. ECF No. 24. Because a Magistrate Judge in the Western District of North Carolina was unavailable to assist the undersigned, Magistrate Judge Hodges was appointed by the Chief Judge of the Western District of North Carolina, with the concurrence of the Chief Judge of the District of South Carolina. ECF No. 3. The Order sets forth the statutory authority for the designation of Magistrate Judge Hodges under 28 U.S.C. §

636(f). The docket reveals a copy of this Order was served on Carter, a *pro se* litigant, by US Mail.

As Magistrate Judge Hodges was designated and assigned to this case in accordance with federal law, her jurisdiction is proper.<sup>1</sup> Carter's Jurisdictional Challenge is dismissed.

**IT IS SO ORDERED.**

s/Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
Senior United States District Judge

Columbia, South Carolina  
December 19, 2019

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<sup>1</sup> The court notes the Magistrate Judge's Report and Recommendation did contain a Notice of Right to File Objections that directed Carter to file such objections with the Clerk of Court for the District of South Carolina. However, this was a scrivener's error, as Carter's case is filed in the Western District of North Carolina. Plaintiff has timely filed objections to the Report in the Western District of North Carolina; therefore, no prejudice has resulted from this error.